IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.642 OF 2003

Shri Pandurang Ganpati Khamkar and others ... Petitioners

v/s

Shri Bhairavnath Sahakari Dudh Vya. Sanstha Maryadit and ors. ... Respondents

Mr A.M. Kulkarni for Petitioners.

Mr M.L. Patil for Respondent Nos.1 to 4.

Mr D.A. Patil, AGP for Respondent No.4A.

CORAM : D.K. DESHMUKH J.

DATE : 15TH JUNE 2005.

P.C. :-

1. By this petition, the petitioner challenges the order passed by both the Courts below declining to grant temporary injunction in favour of the petitioner. The temporary injunction that the petitioner was seeking is restraining a large number of members of a Co-operative Society from exercising their right of vote for managing committee elections of the Society. Both the Courts below have held that such disputes cannot be entertained before the elections take place. Both the Courts below have thus declined to interfere with the process of election once it has been started. The submission of the learned counsel is that the Court should not interfere with the process of election once it is started is a settled law but it does not apply to co-operative societies which are not specified. The submission obviously is not proper. The proposition that the Court should not interfere with the process of election once it is set in motion applies universally to election of all corporate bodies including non-specified co-operative societies. The petition has no substance.

It is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.